

1 Walter James Kubon, Jr., the natural living man,
 2 Sui Juris, in Pro Se as Beneficiary of the
 3 WALTER JAMES KUBON, JR Estate;
 4 VALLY KUBON, Estate;
 5 *c/o* 560 Hobie Lane
 6 San Jose, California, [95127]

FILED

APR 29 2019 *dis*

SUSAN Y. SOONG
 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA
 OAKLAND OFFICE

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA

11 *Plaintiff*

12 *vs*

13 WALTER JAMES KUBON JR.,
 14 VALLY KUBON

15 *Defendants*

) **Court Case: 18-cv-04788-PJH**

) **UNITED STATES OF AMERICA**

) */vs/ Kubon, et al*

) [No Hearing Required]

) **W. James Kubon, Jr., THE NATURAL LIVING
 MAN AND BENEFICIARY OF THE WALTER
 JAMES KUBON, JR., AND VALLY KUBON
 ESTATES SUBMITS:**

) **MANDATORY JUDICIALLY**

) **NOTICED PRIMA FACIE EVIDENCE**

) OF NOTARIZED POWER-OF-ATTORNEY
) OFFICIALLY AND LAWFULLY PERMITTED AND
) GRANTED TO W. James Kubon, Jr., THE NATURAL
) LIVING MAN, FROM HIS WIFE Vally Kubon, THE
) NATURAL LIVING WOMAN, FOR REPRESENTATION
) IN ALL LEGAL MATTERS, PURSUANT TO
) SUPREME COURT RULINGS AND NEXT FRIEND
) DOCTRINE

) **[CODE SECTION 26 CFR 1.0 -**

) **1 SUBSECTIONS (A), (D); 26 USC 7851 (a) (1)**
) **(A), (A)(6)(A); 26 CFR 1.871-1(a); 3 AM JUR**

) **2d SECTION 2689;**

) **FRCP RULE 17; RULE 7(b)]**

) **0. JUDICIAL NOTICE**

) **1. MEMORANDUM-POINTS OF**

) **AUTHORITIES**

) **2. VERIFICATION**

) **3. DECLARATION OF TRUE COPY**

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 17 **Note:** W. James Kubon, Jr., the natural living
 18 man appears specially, not generally and not
 19 voluntarily, pursuant to the UNITED STATES
 20 special rules of Admiralty Rule 8(e).

21 **Federal Law states: The use of fictitious names or addresses (ALL**
 22 **CAPITAL LETTERS) in a private individual's names or**
 23 **a ZIP CODE against the individual's wishes, is a crime under**
Title 39 U.S.C. Section 3003, Title 18 U.S.C. 1302, 1341, 1342, and
is punishable by up to 15 years imprisonment
and \$1,000,000.00 fine.

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 27 **Note: Failure to file this is considered concealment, and**
in violation of 18 US CODE § 2071.

1) 4. **POWER-OF-ATTORNEY**
 2 5. **CERTIFICATE OF SERVICE**

3 **Judge:** Phyllis J. Hamilton

4 **0. JUDICIAL NOTICE**

5 All officers of the court for the UNITED STATES DISTRICT COURT, NORTHERN DISTRICT
 6 OF CALIFORNIA, are hereby placed on notice under authority of the supremacy and equal
 7 protection clauses of the United States Constitution and the common law authorities of Haines v
 8 Kerner, 404 U.S. 519, Platsky v. C.I.A. 953 F.2d. 25, and Anastasoff v. United States, 223 F.3d
 9 898 (8th Cir. 2000) relying on Willy v. Coastal Corp., 503 U.S. 131, 135 (1992), "United States v.
 10 International Business Machines Corp., 517 U.S. 843, 856 (1996), quoting Payne v. Tennessee,
 11 501 U.S. 808, 842 (1991) (Souter, J., concurring). Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp.
 12 647, American Red Cross v. Community Blood Center of the Ozarks, 257 F.3d 859 (8th Cir.
 13 07/25/2001).

14 **In re Haines:** pro se litigants (Defendant is a pro se litigant) are held to less stringent pleading
 15 standards than BAR registered attorneys. Regardless of the deficiencies in their pleadings, pro se
 16 litigants are entitled to the opportunity to submit evidence in support of their claims.

17 **In re Platsky:** court errs if court dismisses the pro se litigant (Defendant is a pro se litigant)
 18 without instruction of how pleadings are deficient and how to repair pleadings.

19 **In re Anastasoff:** litigants' constitutional rights are violated when courts depart from precedent
 20 where parties are similarly situated. All litigants have a constitutional right to have their claims
 21 adjudicated according the rule of precedent.

22 See Anastasoff v. United States, 223 F.3d 898 (8th Cir. 2000). Statements of counsel, in their briefs
 23 or their arguments are not sufficient for a motion to dismiss or for summary judgment, Trinsey v.
 24 Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

25 **W. James Kubon, Jr., THE NATURAL LIVING MAN AND BENEFICIARY TO THE**
 26 **WALTER JAMES KUBON, JR. ESTATE, SUBMITS MANDATORY**
 27 **JUDICIAL NOTICE OF THE GRANTED POWER OF ATTORNEY FROM**
 28 **Vally Kubon, THE NATURAL LIVING WOMAN AND WIFE TO HER HUSBAND.**

29 Beneficiary to Defendant submits the following judicially noticed document: General
 30 Power of Attorney granted by Vally Kubon, the natural living woman and wife, to W. James
 31 Kubon, Jr., the natural living man and husband, witnessed by a California Commissioned
 32 Notary Public.

33 I, Vally Kubon, the natural living woman and wife, give Power of Attorney to designee
 34 as authorized to sign for me, and/or, appear/represent me necessary in all matters in my absence

1 and in any exigent circumstance pursuant to the Next Friend Doctrine and additional
 2 SUPREME COURT rulings and case law, FRCP rule 17.

3 **Judicial Significance:** The attached Power of Attorney is granted to Vally Kubon's
 4 husband, W. James Kubon, Jr., the natural living man, from Vally Kubon, the natural living
 5 woman, his wife. W. James Kubon, Jr., the natural living man, on the behalf of Vally Kubon,
 6 the natural living woman, is to be her Attorney-In-Fact and act as her 'Agent' in all legal,
 7 health, financial and any other matters in which she needs assistance as necessary.

8 The SUPREME COURT case laws documented herein Section 1: Memorandum of
 9 Points and Authorities verify that it's legal and is recognized to be able to designate another
 10 person as an 'Attorney-In-Fact' for another living individual, is controlling over this state court
 11 and must be recognized as valid by the state court.

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1. MEMORANDUM OF POINTS AND AUTHORITIES

14 Pursuant to the UNITED STATES SUPREME COURT; the practice of Law is an occupation of common right.
 15 *Sims v Aherns, 271 S.W. 720 (1925);*

16 "The practice of law cannot be licensed by any state/State".
 17 *Schware v Board of Examiners, 353 U.S. 238, 239 (1957);*

18 "The state/State cannot license an occupation of common right."
 19 *Redfield v Fisher, 292 P. 813, 817-819;*

20 "Members of groups who are competent non-lawyers can assist other members of the group achieve the goals
 21 of the group in court without being charged with "unauthorized practice of law."

22 *NAACP v. Button, 371 U.S. 415; United Mineworkers of America v. Gibbs, 383 U.S. 715;*
and Johnson v. Avery, 89 S. Ct. 747 (1969);

23 A next friend is a person who represents someone who is unable to tend to his or her own interest.
 24 *Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend";*

25 "Litigants can be assisted by unlicensed laymen during judicial proceedings."
 26 *Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377*
U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425;

27 "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."
 28 *Sherar v. Cullen, 481 F. 2d 946 (1973);*

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2. VERIFICATION

5 We/I, the undersigned make this declaration under penalty of perjury, that the pleading is true. Each of the
6 signer(s) of this document is a person having first hand knowledge of the facts stated herein.

7 The undersigned has made a reasonable inquiry into fact and law and affirms to the court that this claim:

8 1. is not frivolous or intended solely to harass.
9 2. is not made in Bad Faith - Nor for any improper purpose, i.e. harass or delay.
10 3. may advocate changes in the law - arguments justified by existing law or non-frivolous argument to
11 change law.
12 4. has Foundations for factual allegations - alleged facts have evidentiary support.
13 5. and has Foundation for denials - denials of factual allegations must be warranted by evidence.

14 All Rights Reserved UCC §§1-308, 3-419, 1-207.9

15 Dated: 04/24/2019

16 By: /s/ W. James Kubon

17 W. James Kubon, Jr., the natural living man as
18 Beneficiary of WALTER JAMES KUBON,
19 Estate

20 All Rights Reserved UCC §§1-308, 3-419, 1-207.9

21 Dated: 04/24/2019

22 By: /s/ Vally Kubon

23 Vally Kubon., the natural living woman as
24 Beneficiary of VALLY KUBON, Estate

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Attached: Notarized Power-Of-Attorney

3. DECLARATION OF TRUE AND CORRECT COPY
OF Valley Kubon and W. James Kubon, Jr. the natural living woman and man
UNDER PENALTY OF PERJURY

I, Vally Kubon, declare under penalty of perjury of the Laws of the STATE OF CALIFORNIA that:

I have read and examined the foregoing attached document, and I do certify that the Power-Of-Attorney is a true and correct copy of the same original document as maintained by the undersigned as document custodian.

All Rights Reserved UCC §§1-308, 3-419, 1-207.9

Dated: 04/24/2019

By: /s/ W. James Kubon
W. James Kubon, Jr., the natural living man as
Beneficiary of WALTER JAMES KUBON,
Estate

All Rights Reserved UCC §§1-308, 3-419, 1-207.9

Dated: 04/24/2019

By: /s/ Vally Kubon

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**4. NOTARIZED POWER-OF-ATTORNEY
BY AND FROM Vally Kubon TO W. James Kubon, Jr.**

□ GENERAL POWER OF ATTORNEY □

I, Vally Kubon of the age of majority, being of sound mind and not physically or mentally impaired in any way, hereby appoint Walter James Kubon Jr., my husband, as my Attorney-in-Fact ("Agent"), and/or, as my Agent, appoints any other individual(s) he should deem necessary to designate on my behalf, either with him or for me, if he is unable to be my Agent; which will have the same full effect of this power of attorney over my affairs designated herein.

I hereby revoke all general or limited powers of attorney and any all authority that previously have been signed by me, and or taken by any other person(s) on my behalf and with out my knowledge previous to the date of this signing. This power of attorney will not be overridden by any future power of attorney that I may sign on any other matter(s) even if they are of the same matter(s) contained within this General Power of Attorney. This Durable General Power of Attorney will not be superseded by any other authority.

My Agent shall have full power and authority to act on my behalf at any time on any and all matters. This power and authority shall authorize my Agent to manage and conduct any and all of my affairs, and to exercise any and all of my legal rights, sign any court and/or medical documents, legally represent me as necessary, and make any and all decisions as necessary on my behalf, as if I myself was making those decisions personally, and in person,

Pursuant to the UNITED STATES SUPREME COURT; "the practice of Law is an occupation of common right,
Sims v Aherns, 271 S.W. 720 (1925);

"The practice of law cannot be licensed by any state/State".
Schware v Board of Examiners, 353 U.S. 238, 239 (1957);

"The state/State cannot license an occupation of common right."
Redfield v Fisher, 292 P. 813, 817-819;

"Members of groups who are competent non-lawyers can assist other members of the group achieve the goals of the group in court without being charged with "unauthorized practice of law."

NAACP v. Button, 371 U.S. 415; United Mineworkers of America v. Gibbs, 383 U.S. 715; and Johnson v. Avery, 89 S. Ct. 747 (1969);

A next friend is a person who represents someone who is unable to tend to his or her own interest.
Federal Rules of Civil Procedures, Rule 17, 28 USCA "Next Friend";

"Litigants can be assisted by unlicensed laymen during judicial proceedings."
Brotherhood of Trainmen v. Virginia ex rel. Virginia State Bar, 377 U.S. 1; v. Wainwright, 372 U.S. 335; Argersinger v. Hamlin, Sheriff 407 U.S. 425;

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights."
Sherar v. Cullen, 481 F. 2d 946 (1973);

including all rights and powers that I may acquire in the future.

My Agent's powers shall include, but not be limited to, the power to proceed, and/or, act as on my behalf in or on:

1. Open, maintain or close bank all accounts, i.e.; new accounts and/or any accounts already established (including, but not limited to, checking or savings account(s), probate and bank account(s), any blocked accounts and certificates of deposit, etc), brokerage accounts, and other similar accounts with all financial institutions, and/or, any other entities/individuals and handle all health and medical matters.

- a. Conduct any business with any banking, property or financial institution with respect to any of my accounts, including, but not limited to, making deposits and withdrawals, obtaining bank statements, passbooks, drafts, money orders, warrants, and certificates or vouchers payable to me by any person, firm, corporation or political entity.
- b. Perform any act necessary to deposit, negotiate, sell or transfer any note, security, or draft of the United States of America, including U.S. Treasury Securities.

- c. Have access to any safe deposit box that I might own, including its contents and have full control to handle any and all contents on my behalf.
- d. Become my permanent Fiduciary, and/or, reappoint a new Fiduciary on any already established, and/or, new accounts as necessary on my behalf.
- e. Become Fiduciary on any Social Security benefits account I may have in my name, and handle any and all benefits and arrangements on my behalf.
- f. Become Fiduciary on any Insurance benefits account (Health and/or any other) I may have in my name, and handle any and all benefits, arrangements and/or payments on my behalf.
- g. Become Fiduciary on any other housing matters and handle any and all benefits and/or arrangements on my behalf.

2. Sell, exchange, buy, invest, or reinvest any assets or property owned by me. Such assets or property may include income producing or non-income producing assets and property.

3. Purchase, and/or, maintain insurance, including life insurance upon my life or the life of any other appropriate person on my behalf.

4. Take any and all legal steps necessary to collect any amount or debt owed to me, or to settle any claim, whether made against me or asserted on my behalf against any other individual, person or entity.

5. Enter into binding contracts/trusts on all matters with all entities and/or individuals on my behalf.

6. Exercise all stock rights on my behalf as my proxy, including all rights with respect to stocks, bonds, debentures, or other investments.

7. Maintain and/or operate any business that I may own, on my behalf.

8. Employ professional and business assistance as may be appropriate, including attorneys, accountants, and real estate agents on my behalf and/or other agents/representatives as necessary.

9. Sell, convey, lease, mortgage, manage, insure, improve, repair, or perform any other act with respect to any of my property (now owned or later acquired) including, but not limited to, real estate and real estate rights (including the right to remove tenants and to recover possession). This includes the right to sell or encumber any homestead that I now own or may own in the future.

10. Represent, prepare, sign, and file any documents on my behalf with any governmental body or agency, and/or any other entity, including, but not limited to and authorization to:

- a. Prepare, sign and file any documents pertaining but not limited to; legal court documents, law suits in process or begin anew, health (physical and mental) documents, income and other tax returns with federal, state, local, and other governmental bodies and or entities.
- b. Obtain information or documents from any government or its agencies, and/or, any other entity, and negotiate, compromise, or settle any matter with such government or agency (including tax matters), and/or, any other debts.
- c. Prepare applications, provide information, and perform any other act reasonably requested by any government or its agencies in connection with governmental benefits (including military and social security benefits), and/or any other entity.

11. Make gifts from my assets to members of my family and to such other persons or charitable organizations with whom I have an established pattern of giving and or intend(ed) to give.

12. Transfer any of my assets to the trustee of any revocable trust created by me, if such trust is in existence at the time of such transfer, and/or, rewrite any trust already written, and/or, signed by me and in effect, on my behalf.

13. Disclaim any interest which might otherwise be transferred or distributed to me from any other person, estate, trust, or other entity, as may be appropriate, on my behalf for any future matters.

14. My Agent, will handle and have full authority over all medical and health matters, and act accordingly at and as necessary all times and on my behalf.

15. This Power of Attorney shall be construed broadly as a General Power of Attorney. The listing of specific powers is not intended to limit or restrict the general powers granted in this Power of Attorney in any manner for the appointed Agent herein, and/or, any additional and/or subsequent Agent appointed on my behalf.

16. Any power or authority granted to my Agent under this document shall be limited to the extent necessary to prevent this Power of Attorney from causing: (i) my income to be taxable to my Agent, (ii) my assets to be subject to a general power of appointment by my Agent, and (iii) my Agent to have any incidents of ownership with respect to any life insurance policies that I may own on the life of my Agent.

17. My Agent shall not be liable for any loss that results from a judgment error that was made in good faith. However, my Agent shall be liable for willful misconduct or the failure to act in good faith while acting under the authority of this Power of Attorney.

18. I authorize my Agent to indemnify and hold harmless any third party who accepts and acts under this document.

19. My Agent shall be entitled to reasonable compensation for any services provided as my Agent. My Agent shall be entitled to reimbursement of all reasonable expenses incurred in connection with this Power of Attorney.

20. 20. My Agent shall provide an accounting for all funds handled and all acts performed as my Agent, if I so request or if such a request is made by any authorized personal representative or fiduciary acting on my behalf.

21. 21. Any additional riders to this Durable General Power of Attorney are subject to the same guidelines and requirements included herein by reference as if fully set forth herein.

This Power of Attorney may only be revoked by me at the time I provide written notice to my Agent. This is a Durable General Power of Attorney and shall become effective immediately and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute and shall continue in effective until my death.

Dated: March 15, 2009 A.D.

All Rights Reserved - UCC §§ 1-308, 1-207.9

x Vally Kubon a natural living woman

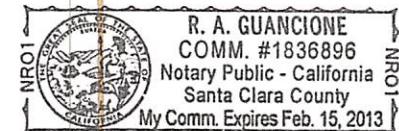
See attached California Acknowledgement

State of California)

County of SAN JOSE CLARA)**CALIFORNIA JURAT**

Subscribed and sworn to (or affirmed) before me on this 15th day
 of MARCH, 20 09, by Randy Kubon

proved to me on the basis of satisfactory evidence to be the person(s)
 who appeared before me.

Signature R. A. Guancione

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

This certificate is attached to a document titled/for the purpose of

POWER OF ATTORNEY

containing 3 pages, and dated MARCH 15, 2009.

Additional Information	
Method of Affiant Identification	
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)	
Notarial event is detailed in notary journal on: Page # _____ Entry # _____	
Notary contact: _____	
Other	
<input type="checkbox"/> Affiant(s) Thumbprint(s) <input type="checkbox"/> Describe: _____ _____	

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5. CERTIFICATE OF SERVICE
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This statement is made under penalty of perjury of the laws of the STATE OF CALIFORNIA. I, Walter James Kubon III, the undersigned and not a party to the instant case, being over the age of 18, do hereby certify that I served a true and correct copy of the:

Mandatory Judicially Noticed Power of Attorney and Designation of Next Friend pursuant to FRCP rule 17, in case on each of the following individual parties, as follows:

By postage fully prepaid, First Class, U.S. Mail, on April 25, 2019:

Vally Kubon
560 Hobie Lane
San Jose, CA [95127]

Clerk of the Court
United States District Court
Northern District of California
1301 Clay st.
Oakland Ca. 94612

United States Attorneys
Cynthia Stier,
Alex Tse,
Thomas Moore
450 Golden Gate Ave.
San Francisco, Ca. 94102

My process serving fees are: \$ __.00 __ for travel and \$ __100.00 __ for services, for a total of \$ __100.00 __

I declare, under penalty of perjury, that the foregoing is true and correct. Executed on April 25, 2019, at San Jose, California.

Notice to agent is notice to principal – Notice to principal is notice to agent

My usual address of business:
Walter James Kubon III, 560 Hobie Lane San Jose, Ca.

Dated: April 25, 2019

By: /s/


Process Server